

Senate File 577 - Introduced

SENATE FILE _____
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SSB 1346)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to administration of provisions involving
2 violations of the state's noncompetition by government law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2861SV 82
5 rn/es/88

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1 1 Section 1. Section 23A.4, Code 2007, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 23A.4 ADMINISTRATION OF CHAPTER.
1 5 1. The Iowa ethics and campaign disclosure board may give
1 6 advice, issue advisory opinions, adopt rules, receive
1 7 complaints, conduct investigations, hold hearings, and impose
1 8 sanctions in order to administer the provisions of this
1 9 chapter.
1 10 2. Judicial review of the actions of the board and
1 11 judicial enforcement of board orders may be sought in
1 12 accordance with chapter 17A.
1 13 3. The office of citizens' aide may review violations of
1 14 this chapter and make recommendations as provided in chapter
1 15 2C.
1 16 Sec. 2. Section 68B.32A, Code 2007, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 15. Administer the provisions of chapter
1 19 23A regarding noncompetition by government with private
1 20 enterprise pursuant to section 23A.4.
1 21 EXPLANATION
1 22 This bill relates to the administration of Code provisions
1 23 prohibiting certain competition by government with private
1 24 enterprise. Code chapter 23A generally restricts competition
1 25 by government entities with private enterprise, and Code
1 26 section 23A.4 provides for injunctive relief through judicial
1 27 review as a remedy for noncompetition violations and the
1 28 payment of attorney fees and expenses and court costs to an
1 29 aggrieved person by a violating state agency or political
1 30 subdivision.
1 31 The bill eliminates these provisions and gives the Iowa
1 32 ethics and campaign disclosure board jurisdiction to
1 33 administer the Code chapter. Specifically, the bill provides
1 34 that the board may give advice, issue advisory opinions, adopt
1 35 rules, receive complaints, conduct investigations, hold
2 1 hearings, and impose sanctions to administer the Code
2 2 chapter's provisions. The bill provides for judicial review
2 3 of board actions and orders.
2 4 A current provision in Code chapter 23A providing that the
2 5 office of citizens' aide may review Code chapter violations
2 6 and make recommendations is retained.
2 7 The bill makes a conforming change referencing the board's
2 8 responsibilities in administering the Code chapter in Code
2 9 section 68B.32A, which sets forth general duties and
2 10 responsibilities of the board.
2 11 LSB 2861SV 82
2 12 rn:rj/es/88